



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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November 25, 2020

**BY ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007-1312

APPLICATION GRANTED  
SO ORDERED *Vern Bro*  
VERNON S. BRODERICK  
U.S.D.J. 12/2/2020

The Clerk of Court is directed to mail a copy of  
this endorsement to the pro se Plaintiff.

Re: Felipe Vivar v. City of New York, et. al.  
18-CV-5987 (VSB) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York and Angel Bussue ("City Defendants"), in the above-referenced matter. In that capacity, the undersigned writes to respectfully request that the Court's January 5, 2021 deadline for plaintiff to respond to defendants' outstanding discovery requests also apply to City Defendants as City Defendants are dealing with similar discovery issues. The undersigned apologizes for not joining co-defendants' letter motions (see Civil Docket Entry Nos. 133, 134); while the undersigned filed a Substitution of Counsel on the Docket on August 10, 2020, it appears the change was not made. As such, the undersigned filed a formal Notice of Appearance prior to filing this letter today.

By way of status, plaintiff did complete three releases for City Defendants in February of 2019, which enabled this Office to obtain some records and to confirm that plaintiff was in fact treated at Gracie Square Hospital on August 4, 2018. However, because plaintiff has yet to provide said releases to co-defendants, this Office has been unable to produce said records to co-defendants pursuant to HIPPA. Pursuant to the Court's Case Management Plan and Scheduling Order, on August 26, 2020 City Defendants served plaintiff with Defendant's Initial Disclosures pursuant to FED. R. CIV. P. 26(a). (See Civil Docket Entry No. 219). Moreover, as per the Court's Case Management Plan and Scheduling Order, on September 30, 2020 City Defendants served plaintiff Defendants' First Set of Interrogatories and Request for the Production of Documents to plaintiffs. Id. In accordance with the Federal Rules and the Local

Rules of the Southern District of New York, plaintiffs' responses to Defendant's First Set of Interrogatories and Request for Production of Documents were due no later than October 30, 2020. On November 12, 2020—nearly two weeks after plaintiffs' responses were due, the undersigned received plaintiff's purported responses to City Defendants' First Set of Interrogatories and Request for the Production of Documents. However, plaintiff did not provide any responses to City Defendants' interrogatories. Moreover, none of the releases indicated a date of treatment and some of the releases were left entirely blank or incomplete. As such, City Defendants request that the Court's November 24, 2020 Order setting a January 5, 2021 deadline for plaintiff to respond to defendants' outstanding discovery requests also apply to the City Defendants' above-mentioned interrogatory requests and outstanding releases.

For the foregoing reasons, City Defendants respectfully request that the Court's January 5, 2021 deadline for plaintiff to respond to defendants' outstanding discovery requests also apply to City Defendants. City Defendants thank the Court for its time, and consideration of this request.

Respectfully submitted,

Stephanie De Angelis /s/  
Stephanie De Angelis  
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Special Federal Litigation Division

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**BY ECF**  
All other parties